

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Alexandria Division)**

GETIR US, INC.,

and

GETIR PERAKENDE LOJISTIK A.S.,

Plaintiffs,

v.

JOHN DOE

and

getir190.com, a domain name,

Defendants.

Civil Action No. 1:21-cv-1237

**PLAINTIFF’S EMERGENCY *EX PARTE*
MOTION FOR A TEMPORARY RESTRAINING ORDER**

Plaintiffs Getir US, Inc. and Getir Perakende Lojistik A.S. (collectively “Getir”), by counsel, moves for an emergency *ex parte* temporary restraining order (TRO) to obtain injunctive relief to halt the misuse and abuse of the <getir190.com> domain name, which has been used in a campaign with a bad faith intent to profit while tarnishing Getir’s goodwill and reputation by using Getir’s marks to divert consumers from Getir’s website <getir.com> to the infringing website <getir190.com> where demonstrably false statements concerning Getir’s business and safety practices are made.

As further described in the accompanying Memorandum in Support, Getir recently learned an anonymous owner and operator created a website containing the distinctive Getir name and marks. After entering the website, Defendants distort and tarnish Getir’s marks and falsely claim

that (1) “Getir brings death in minutes”; (2) “Our riders are dying to serve you”; (3) “Since 2020, more than 190 Getir riders have died on the job in Turkey among 63,000 traffic accidents involving their riders”; (4) Getir workers in Turkey have no rights and no insurance, exposing them and their families to a life of debt and destitution if they get injured or die on the job”; and (5) “If a driver gets injured or dies, they or their families are left with nothing. The riders have no insurance and can expect no sympathy or pay out from the company. Every Getir driver is a moment away from death, injury, and destitution.”

Since launching <getir190.com>, Defendants have actively and intentionally taken steps to further their intent to distort and tarnish Getir’s marks, including soliciting influencers and others to join their sophisticated campaign in a bad faith intent to profit while causing irreparable harm to Getir. In addition to constituting defamation, Defendants’ actions violate the Anticybersquatting Consumer Protection Act (“ACPA”), 15 U.S.C. § 1125(d).

Getir brings this *in rem* action under the ACPA because it does not know the identity of the owner of <getir190.com> and has not been able to uncover any contact information online. *Ex parte* relief is necessary to prevent those from using <getir190.com> to continue deceiving Getir’s existing and potential customers while tarnishing Getir’s goodwill and reputation in a bad faith intent to profit. Such activities irreparably harm Getir’s goodwill and reputation and that of its marks.

Accordingly, Getir requests an immediate order from the Court (1) divesting the present owner and registrant of its ownership and registration over <getir190.com> and mandating the transfer of <getir190> to Getir; (2) ordering expedited discovery limited to contact information used for the domain name registration; any data related to the online registration, including the IP addresses of the relevant user; the names and addresses of the Defendant and the locations of their

operations, including identifying information associated with Defendant's websites, and any other domain names they may operate; any and all known Internet websites on which Defendant uses the Getir Trademarks; information on any other accounts linked to the Registrant; and any and all known domain names registered by Defendant; and (3) ordering Defendants' to show cause why a preliminary injunction should not be granted.

Dated: November 8, 2021

VENABLE LLP

/s/

Nicholas M. DePalma (VSB No. 72886)

Kevin W. Weigand (VSB No. 81073)

8010 Towers Crescent Drive, Ste 300

Tysons Corner, VA 22182

Tel: 703-905-1449

Fax: 703-821-8949

nmdepalma@venable.com

kwweigand@venable.com

Roger A. Colaizzi (VSB No. 32651)

600 Massachusetts Avenue, NW

Washington, D.C. 20001

Tel: 202-344-8051

rcolaizzi@venable.com

Counsel for Plaintiffs